

IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF GEORGIA  
AUGUSTA DIVISION

UNITED STATES OF AMERICA

v.

GEORGE EDWARD POWELL

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CR 119-022

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O R D E R

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On August 22, 2022, the Court denied Defendant George Edward Powell's motion for compassionate release under 18 U.S.C. § 3582(c)(1)(A) for a second time. Presently, Defendant has filed an "Emergency Motion for Reconsideration." The Government opposes the motion.

Rather than focus upon his medical condition as the per se justification for his compassionate release petition, Defendant insists that the Court should reduce his sentence to time-served since the Bureau of Prisons will not admit him to a halfway house (or place him on home confinement) for the remainder of his prison term because he is wheelchair bound.

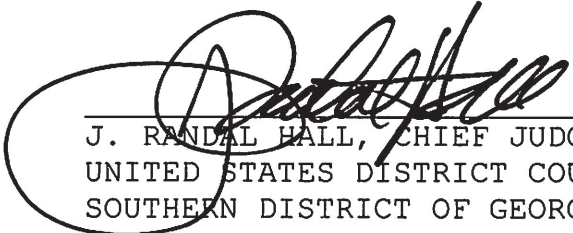
First, to the extent that Defendant seeks a court order directing that he be placed in a Residential Reentry Center, designation of an inmate's place of confinement is within the absolute discretion of the BOP. E.g., Jones v. Woods, 2019 WL 2754731, \*4 (M.D. Ala. Jun. 4, 2019) (cited sources omitted); Brown v. Atkinson, 2010 WL 3659634, \*4 (S.D. Fla. Jun. 11, 2010) ("A

federal district court does not have the authority to order an inmate's placement in a particular facility or program." (cited sources omitted).) Accordingly, the Court is without authority to grant Defendant's request in this respect.

Second, to the extent Defendant is concerned about the application of time-served credits, a judicial challenge to the BOP's length of sentence determinations must be brought under 28 U.S.C. § 2241 in the district of the defendant's confinement. See Rumsfield v. Padilla, 542 U.S. 426, 447 (2004) ("Whenever a § 2241 habeas petitioner seeks to challenge his present physical custody within the United States, he should name his warden as respondent and file the petition in the district of confinement."); Fernandez v. United States, 941 F.2d 1488, 1495 (11<sup>th</sup> Cir. 1991). Here, Defendant is incarcerated in the Eastern District of Pennsylvania. Accordingly, this Court is without authority to consider this aspect of his motion.

Upon the foregoing, Defendant Powell's motion for reconsideration (doc. 157) is **DENIED** in all respects.

**ORDER ENTERED** at Augusta, Georgia, this 3<sup>rd</sup> day of March, 2023.

  
J. RANDAL HALL, CHIEF JUDGE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA